

## MINUTES for the May 11, 2011 workshop of Planning Board's Committee B:

Committee B met on this date from 3:30- 5:00 PM. Members present: Gordon Cross, Jim Heim, Bob Keenan, and Gene Shellerud.

### Background -

Committee B met in Fall of 2010 to discuss a myriad of problematic issues/matters related to the current Flathead County Zoning Regulations, which are in need of clarification, improved definition, improved cross-referencing, etc. Staff worked with Committee B in organizing a 'list' of potential revision items based on complexity of the matters ( ie. simplest to most difficult).

### Committee B Activity:

- Discussed items 1-5 on the Committee's 'list' of potential revision items and recommended the following changes:

1. **Address the confusing issue of 'plurality' in descriptions of permitted uses** (i.e. dwellings, manufactured homes, guest houses, etc). This topic has a relationship to the interpretation of principal use and multiple principal uses per 3.03.020(3). People perceive they may build or establish multiple permitted uses due to the plurality in the way they're listed.

- The Committee agreed this would be a useful revision and voted in support of the revision. The change will require a high level of mundane editing effort to accomplish, and such task will be accomplished in association with a future text amendment process to be administered in conformance with Section 2.08.020 FCZR.

2. **Re: scope and limits of Neighborhood Plans**

FCZR Section 3.38.160 references a Neighborhood Plan (Ashley Lake) as being restrictive and controlling (aka regulatory). Should this reference be amended or struck?

- The Committee agreed this reference should be amended, and voted in support of striking paragraph as follows:

3.38.160 Relationship of These Regulations to other Regulations in the County

The Ashley Lake Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.

~~The Ashley Lake Development Code is based on the Ashley Lake Neighborhood Plan, which has been adopted as an addendum to the Flathead County Master Plan. The Neighborhood Plan and the Ashley Lake Development Code provide the more specific detail and guidance for the Ashley Lake Neighborhood. They are~~

~~considered the more restrictive and therefore shall control when areas of conflict with other provisions of the County Master Plan or Zoning Regulations arise as provided for under Section 1.04, Flathead County Zoning Regulation~~

3. **Re: an inconsistency in cross-referencing regarding livestock.**

While ‘Agricultural/horticultural/silvicultural’ uses are permitted in AG, SAG, R-1 and R-2.5 zones, ‘Livestock (See Chapter V - Performance Standards)’ is specifically listed in R-2.5 and R-1 but not in AG and SAG zones. Per 5.07, it appears ‘Livestock (See Chapter V - Performance Standards)’ should be specifically listed as a permitted use in SAG-10 and SAG-5 zones. Per the definition of ‘Agriculture’ it appears implied that AG zones allow unrestricted livestock uses. For the sake of clarity, should ‘Livestock’ be added to their lists of permitted uses, or should it be left as is? \*Note, 5.07 does not address AG zones, so adding ‘Livestock’ to AG permitted uses may necessitate amending 5.07. Consistent FCPZ interpretation for all types of uses is if it’s listed in certain zones, it WAS expressly contemplated, so if it’s not listed in others it’s not allowed. This needs to be cleaned up. Easiest way may be to add “no restrictions on number of A.U. (animal units) in AG zones” to the performance standards for livestock in 5.07.

- The Committee agreed this provision should be revised, and voted in support of adding “no restrictions on number of A.U. (animal units) in AG zones” to the performance standards for livestock in 5.07 as follows:

5.07.010 *There is no restriction on the number of A.U. (animal units) in AG zones.* The keeping of fowl and livestock is allowed in SAG-10 and SAG-5, suburban agricultural, R-2.5, Rural Residential, and R-1, residential, districts provided the following minimum requirements are met:

4. **Re: Greenbelt standard - practicality of enforcement**

Update, remove, or revise 5.05.030 regarding **greenbelts** and the need to come into compliance within 1 year. If enforcement isn’t practical, it should be stricken or amended. \*In the event a greenbelt is required as condition of approval of a CUP it appears reasonable to integrate the last sentence of 5.05.030 into a preceding sub-section, and to strike the rest. This suggestion is based on language in 2.06.050 which essentially establishes the responsibility of the permittee to adhere to conditions of approval. In the case of other types of reviews (i.e preliminary plats) it seems reasonable for a specific condition to establish a practical required condition regarding implementation of the ‘greenbelt’ zoning provision, if applicable.

- The Committee agreed this provision should be revised, and voted in support of striking the first sentence of 5.05.030 as follows:

5.05.030 ~~The preceding requirements shall be met within one year of the zoning change, building permit sign-off or start of construction in areas outside of building permit jurisdictions, or before final plat approval, whichever case is applicable.~~ The proposed greenbelt shall be shown on the plat or site plan.

5. **Re: lack of definition for a HUD approved structure and clarity as related to zoning**  
Where do “park models” fit in to the county’s regulatory framework? (They’re not an RV or a class A, B, or C manufactured home by definition. However, they are recognized under HUD, built to “ASTM...standards”, and are inspected for wiring (different standard) etc. They usually have a square footage of 400 sq ft or less. HUD says manufactured homes are more than 400 square feet. BUT a park model is not an RV because it does NOT have self contained sewer and water, it’s on wheels but intended for wheels to be removed and is typically established as a home would be (i.e. connected to water/sewer, decks added, landscaping/garden planted around it). Park Models are becoming more popular as affordable options for retirees, snowbirds, etc. Perhaps it would be appropriate to acknowledge their existence by amending the definition of ‘Manufactured Home’ to address park models as new item #4, whereby they may be either: 1) permitted as a residence anywhere class A, B, or C manufactured homes are permitted; 2) limited to use in manufactured home parks, similar to Class C manufactured homes; or 3) clearly prohibited from permitted uses in all districts.

- The Committee considered this topic, and decided to re-visit the topic at a later date.
- There was no comment from the public.
- Committee B set a date and time of June 29, 2011 from 3:30 – 5:00 pm for another workshop to continue focus on subsequent items of the ‘list’ of potential zoning regulation revision items.